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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/731,777  | 12/09/2003  | Peter Ifju           | 5853-355            | 4921             |
| 30448   | 7590        | 07/27/2006           | EXAMINER            |                  |
| AKERMAN SENTERFITT<br>P.O. BOX 3188<br>WEST PALM BEACH, FL 33402-3188 |             |                      | ART UNIT            | PAPER NUMBER     |

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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10/731,777

12/9/2003

Peter Ifju

EXAMINER

S. A. Hoken

| ART UNIT | PAPER |
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3644

20060724

DATE MAILED:

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Commissioner for Patents

See attached "Election/Restriction"

Stephen Ifju

3644

7/24

***Election/Restrictions***

1. Newly submitted claims 1, 3-6, 9-12, 14-17, 20-24 and 32-37 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The combination (new claim 1) does not require the particulars of the subcombination (old claim 1) in that the subcombination required --the material improve wind gust rejection due to adaptive washout as a result of the material flexibility decambering--.

The subcombination could be used in a different combination such as an ornithopter.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 3-6, 9-12, 14-17, 20-24 and 32-37 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. The reply filed on 5/11/2006 is not fully responsive to the prior Office Action because all the claims are withdrawn as constructively elected. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer,

Art Unit: 3644

within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Stephen Hogan (7/24)